

BEFORE THE KANSAS STATE BOARD OF NURSING

IN THE MATTER OF
Darla T. Hogan
License No. 23 25 639 022

Case No. 03 114 9
OAH No. 07BN0014 KSBN

INITIAL ORDER

Now on this 10th day of May, 2007, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing, Sandra L. Sharon, duly appointed as Presiding Officer pursuant to K.S.A. 77-514. The petitioner, the Kansas State Board of Nursing, appears by Disciplinary Counsel Mark Knight, Assistant Attorney General. The respondent appeared in person. Witnesses were John Childers, Kansas Nurse Assistance Program (KNAP) and Ms. Hogan.

Findings of Fact

1. Ms. Hogan is licensed with the Kansas State Board of Nursing as a Licensed Practical Nurse. Her license is scheduled to expire in February 2008.
2. On November 1, 2003, the respondent tested positive for cocaine on a pre-employment drug test. [REDACTED]
3. [REDACTED]
4. [REDACTED] the [REDACTED]
[REDACTED] Once again, the respondent's license to practice nursing was suspended with a stay.
5. [REDACTED]
6. [REDACTED]
 - a. [REDACTED]
 - b. [REDACTED]
 - c. [REDACTED]
 - d. [REDACTED]
7. [REDACTED], the Board petitioned to lift the Stay of Suspension regarding Ms. Hogan's nursing license.

Applicable Law

1. Kansas Statutes Annotated (K.S.A.) 65-1120(a)(4)(6) provide as follows:
 - (a) Grounds for disciplinary actions. The board may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found after hearing:
 - (4) to be unable to practice with skill and safety due to current abuse of drugs.
 - (6) to be guilty of unprofessional conduct as defined by rules and regulations of the board.
2. Professional misconduct is defined at Kansas Administrative Regulation (K.A.R.) 30-3-110(s) as failing to complete the requirements of the impaired provider program of the board.

Discussion

1. [REDACTED] This is a violation of K.S.A. 65-1120(a)(4).
2. [REDACTED] Non-compliance with KNAP is a violation of Ms. Hogan's consent agreement with the Board and meets the definition of unprofessional conduct by failing to complete requirements of the impaired provider program of the Board. K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(s).
3. Ms. Hogan submitted two letters from her treating physicians. However, the letters were silent as to her drug use.

Conclusion

The Kansas State Board of Nursing's Petition to Lift the Stay of Suspension of Ms. Hogan's nursing license is granted. The Stay can once again be put in place after six months and Ms. Hogan demonstrates she is in compliance with KNAP for at least two consecutive months.

The Respondent shall pay costs of the action of \$70.00.

Appeal Rights and Other Administrative Relief

The procedures available and time limitations for seeking review or other relief as follows: Any party, within fifteen (15) days after service of this notice, may file a petition for review with the agency head, send you request to:

Mary Blubaugh, Executive Director, Board of Nursing
Landon State Office Building
Suite 1051, 900 SW Jackson
Topeka, KS 66612-1230

The petition for review shall state its basis, pursuant to K.S.A. 77-527.

OFFICE OF ADMINISTRATIVE HEARINGS

Sandra L. Sharon
Presiding Officer
Office of Administrative Hearings

CERTIFICATE OF SERVICE

On June 5, 2007, I mailed a copy of this document to:

Darla T. Hogan
7817 Grant Lane, Apt. 101
PO Box 4554
Overland Park, KS 66204

Mark Knight
Assistant Attorney General
Disciplinary Counsel for the Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612

Staff Person
Office of Administrative Hearings